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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,343	11/17/2003	James W. Myrland	27420007	7625
25005	7590	06/26/2008		
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			EXAMINER DONNELLY, JEROME W	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 06/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,343

Applicant(s)

MYRLAND, JAMES W.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application. 1, 2, 5-10, 12, 14-16, 18, 20, 22-29, 31, 32, 34, 35
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration. 38-51 and 53
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected. (1, 2, 6-10, 12, 14, 15, 18, 20, 22, 23, 25-29, 34, 35, 39-45)
- 7) ☒ Claim(s) ____ is/are objected to. (3, 5, 24, 31, 38, 47, 49 and 50 are)
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

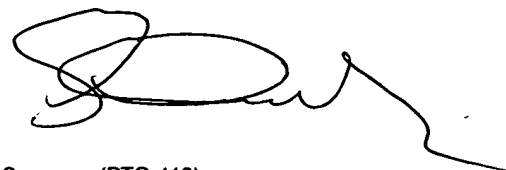
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY
PRIMARY EXAMINER



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Art Unit: 3764

Claims 5, 24, 31, 38, 47, 49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16, 32, and 46 are allowed.

Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder.

Snyder discloses a device comprising a horizontal cross bar, (2), first and second struts (13) a support leg (3) terminating in a collar rotatively positioned on the first and second struts, said collar having stops in the form of flanges, on element (9 and 7), said stops may be interpreted as (elements (15, 16) and 18) lastly stops may be interpreted as elements 4. The support leg is also clearly shown as being movable about the axis of the struts into and out of coplanar alignment with the struts and cross bar.

Claims 7-10, 12, 14, 15, 18, 20, 22, 23, 25-29, 34, 35, 39-45, 48, 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Holmes.

Snyder discloses the device of claims 7-10, 12, 14, 15, 18, 20, 22, 23, 25-29, 34, 35, 39-45, 48, 51 and 33 are substantially as claimed absent the device including resilient locking means as specifically claimed in various claims wherein the locking means is in the form of an elastic band/helical spring, a locking member and indentations working together to lock movable components together.

Holmes discloses a device having an elastic member as a portion of a locking means a first strut and a rotatable leg, and wherein an elastic member is situated on the leg of his device and the elastic member bears against a first strut.

Art Unit: 3764

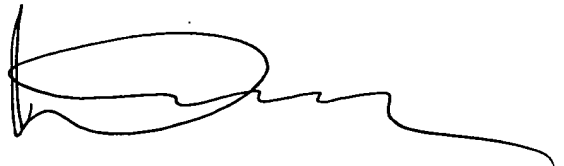
Given the above teaching of Holmes of elastic members bearing against attached rotatable members. The examiner notes that to attach resilient locking means between perpendicular strut members is obvious and that it would have been obvious to one of ordinary skill in the art to provide similar locking means on the device of Snyder for the purpose of locking two telescopic components together and or to lock rotatable components in place.

In regard to applicants claims of "about the first strut member" the examiner reminds the applicant "that the word about" is not indicative of a term claiming a limitation such as "encircling".

After carefully reconsideration of the claims the examiner has determined that the indicated allowability of the claims in the office action of 10/29/08 is withdrawn. Rejections based on the newly presented prior art combinations has been presented above.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'Jerome Donnelly', with a long horizontal flourish extending to the right.

Jerome Donnelly